
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 11-1389-JST (ANx)

Date: September 27, 2011

Title: Avinash B. Kulkarni v. DOES

Present: **Honorable JOSEPHINE STATON TUCKER, UNITED STATES DISTRICT JUDGE**

Ellen Matheson
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

PROCEEDINGS: (IN CHAMBERS) ORDER (1) DISMISSING COMPLAINT (Doc. 1); AND (2) DENYING AS MOOT APPLICATION FOR ORDER (Doc. 3).

On September 12, 2011, Plaintiff filed a Complaint captioned as a Petition for Release of United States Department of State Non-Personal Records Containing Evidence of Abduction of Petitioner's Child Outside the United States. (Doc. 1.) The Complaint does not name any defendant, and the Court cannot determine from the body of the Complaint whom Plaintiff intends to sue. "A complaint is subject to dismissal if 'one cannot determine from the complaint who is being sued, [and] for what relief.'" *Arnett v. Unknown*, No. CV 11-5896-JAK (E), 2011 WL 3438866, at *3 (C.D. Cal. Aug. 4, 2011) (alteration in original) (quoting *McHenry v. Renne*, 84 F.3d 1172, 1178 (9th Cir.1996)); *see also* Fed. R. Civ. P. 10(a) (complaint must "name all the parties").

Accordingly, Plaintiff's Complaint (Doc. 1) is DISMISSED with leave to amend. Plaintiff shall file an amended complaint no later than **October 26, 2011**. If Plaintiff files an amended Complaint, he must include in the caption the name of each defendant against whom he is asserting a claim, Fed. R. Civ. P. 10(a), and set forth in the body of the complaint "a short and plain statement of the claim" he is asserting against each defendant, Fed. R. Civ. P. 8(a)(2). Failure to file an amended complaint by October 26, 2011, shall be deemed consent to the dismissal of this action with prejudice. The Court further DENIES AS MOOT Plaintiff's Application for Issuance of an Order to the United States Department of State to Release Information Under Seal (Doc. 3).

Initials of Preparer: enm